



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 764th meeting (Chamber A)

Held at Headquarters, New York, on Friday, 19 January 2007, at 3 p.m.

Chairperson: Ms. Simms (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Simms, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Peru (continued)
(CEDAW/C/PER/6; CEDAW/C/PER/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Peru took places at the Committee table.*

Articles 5 to 9 (continued)

2. **The Chairperson** invited the participants to continue the discussion on the outstanding issues from the morning session.

3. **Ms. Zapata** (Peru), in response to the question on article 5, said that a high-level commission had been set up to ensure that women subjected to violence received compensation and protection. A group compensation programme focusing on health, education and housing had been established and 45 million soles had been earmarked for that purpose.

4. With regard to article 6, a new human trafficking law had been passed. A secretariat of Peruvians living abroad had been set up to facilitate the repatriation of victims of trafficking and a permanent multisectoral working group on human trafficking had been established, with the participation of the State, international cooperation agencies and civil society. Free and secure telephone lines had been set up to facilitate reporting of human trafficking and human rights abuses, and stiffer sentences were being prescribed for offenders, especially in cases that involved an international trafficking network.

5. **Mr. Chávez** (Peru), responding to questions on article 7, said that following a lengthy debate, changes had been made to the law governing the Peruvian International Cooperation Agency to allow monitoring of the use of resources channelled to NGOs from international and other sources via the State. Consequently, NGOs that received their funding exclusively from private sources without Government intervention were not covered by the law.

6. Regarding the question concerning nationality, he said that any foreign national who married a Peruvian citizen could elect to take up Peruvian nationality, provided that they had lived in Peru for two years.

Articles 10-14

7. **The Chairperson** invited the experts to continue their examination of articles 10 to 14.

8. **Ms. Gabr** asked about the Government's plans to improve health services for rural women in general and indigenous women in particular and whether there were any figures to substantiate the reports of improved access to health care. Turning to the subject of abortion, she asked whether abortion was legal in Peru or whether, as in her own country, Egypt, it was permitted only in cases of rape, when a woman's health was in danger and in cases of foetal abnormality.

9. **Ms. Coker-Appiah** noted with reference to article 10 the measures outlined in the report that were designed to promote the education of rural girls and the fact that the five-year period 2002-2006 had been declared the "Rural Education Quinquennium", and asked how much funding had been allocated for rural girls' education during the five-year period and what percentage of the national budget it represented. She also asked for details about the impact of the project referred to in paragraph 97 of the report, in particular the extent to which it had improved the education of girls, especially underprivileged girls from the Southern Indian region and girls of Afro-Peruvian descent. Finally, she requested data on girls' school enrolment and retention.

10. **Ms. Zapata** (Peru) replied that there had been an increase in the overall number of girls, especially minorities, enrolled and that there were better educational materials that conveyed the message of gender parity and intercultural understanding. However, the quality of education had not improved as desired.

11. On the issue of sexual and reproductive health, a programme had been set up to reduce maternal and perinatal mortality and standards had been set and were being monitored by the health authorities and other public officials in all health institutions. Moreover, in five regions of the country, NGOs were directly responsible for monitoring and supervising the delivery of health services; an internal audit mechanism had been set up to monitor performance and any failure to

meet the standards was subject to administrative sanctions, including dismissal. Two of the standards were intended to ensure that teenagers had access to birth control medications directly through the health centres.

12. With regard to the high maternal mortality rate among teenagers, she said that while some of the deaths were caused by abortion, many were attributable to anaemia, haemorrhage and other causes. An emergency birth control education campaign was being implemented and, in urban areas, programmes were in place to allow young pregnant girls to continue going to school. Unfortunately, however, those programs were unavailable in the rural areas.

13. **Mr. Chávez** (Peru) said that several cases involving human rights had been brought to the Government's attention through the action of international human rights bodies and were being resolved, often through the good offices of those same bodies. In one case, the Government had recognized responsibility for the death of a woman who had been sterilized and the Inter-American Commission on Human Rights had helped to negotiate an amicable settlement involving compensation for the family and possibly further punishment for officials involved. In another case, a woman had been denied a therapeutic abortion — which, under Peruvian law, was permissible only when the mother's health was endangered — and was contesting that decision. The Congress was considering the possibility of expanding the definition of legal abortion, but the matter was at a very early stage.

14. **Ms. Zapata** (Peru) said that about a dozen laws had been adopted to combat violence against women. Shelters had been established and an effort was being made to offer better services to victims, including psychological counselling, development of economic independence, toll-free hotlines and 24 hour access to shelters, even on weekends.

15. It had not been possible to sustain the planned funding increases of 1 per cent per year for women's services. The focus was now on improving the quality of services and on training trainers. Textbooks had been revised to reflect more inclusive language and gender parity.

16. **Ms. Schöpp-Schilling** said, with regard to article 11, that although the report mentioned many projects, the way the information was presented made it very

difficult to tell whether they had helped improve the situation of women. Nor was it possible to tell whether there was any discrimination. It was also not clear whether the Ministries of Labour and Agriculture were serious about gender-mainstreaming. She requested information on how frequently they conducted inspections of the workplace. The information provided seemed to show that women remained clustered in traditional work areas and at the lower levels of any given area. Wage data should be provided so that, for instance, the average wage of textile workers, who were often women, could be compared with that of construction workers, who were usually men.

17. She asked what targets had been set with regard to education for rural girls and what incentives had been provided to encourage rural families to keep girls in school. In the discussion of land projects the figures provided seemed to contradict each other and should be clarified. Noting that only 25 per cent of new land titles had been awarded to women, she asked for more information as to who those women were and the amount of land, tools and training they had received. Disaggregated data on land ownership were needed in order to understand whether discrimination persisted.

18. **Ms. Coker-Appiah** noted that following the previous periodic report, the Committee had requested more information on the situation of minority women, particularly women of African origin. Minorities were often impeded in their efforts to achieve social integration owing to various factors including hierarchical patterns of child rearing, poverty and intolerance in the educational system. She asked how the Government dealt with racism in society.

19. **The Chairperson**, speaking as a member of the Committee, noted that in many cases, indigenous people's traditional lands were being exploited by miners from outside the area and that that was not only affecting their livelihoods, but also resulting in violence against indigenous people. She asked what guarantees the Government had put in place to protect those people from the exploitative practices of multinationals and miners and other people entering their lands.

20. **Ms. Zapata** (Peru) said that the initiatives of the various Ministries and the programmes and projects in support of small and micro-enterprises all had an underlying gender perspective. That perspective was

taking an ever more concrete form thanks to the regional development councils.

21. One programme of the Ministry of Labour provided training to women in response to requests from various companies that had specific needs. It was important to ensure such programmes did not end up exploiting women, by locking them into a particular kind of employment.

22. The number of labour inspectors was to be increased, so as to enhance monitoring of labour laws and some of the legislation concerning compliance with labour standards that had been repealed was being reinstated.

23. Responding to a question from Ms. Schöpp-Schilling, she said that the share of land titles held by women had increased from 4 per cent to 25 per cent as a result of the Special Land Titling Project (PETT). Under Peruvian law, title to a married couple's property was now required to be granted to both spouses on an equal basis. In the past, widows had had to wait until a male child reached the age of majority in order to obtain title.

24. There were also programmes created specifically to support agriculture, fishing and other types of food production. The aim was to assist companies in the food production sector, directed by female heads of household, to produce competitively and at the level of quality that the domestic and export markets required.

25. The issue of ethnic minorities was now in the hands of the INDEPA institute, which had shifted emphasis away from women of Andean and Amazonian origin to Afro-descendant women. Racism and discrimination, both against and also between its various ethnic groupings, did exist. The answer to the problem lay not only in education, but in public policy in general.

26. Mining was a very sensitive issue, as it involved foreign investment which was important for the country's development. The Government was directly involved in the negotiations with mining companies so as to ensure that they respected people's basic rights and that they paid reparations for any damage done, whether to the environment or to people's health.

27. **Mr. Chávez** (Peru) added that mining was a traditional part of the economy and that the mining industry was important, not just to the State but also to the communities where the mines were located. The

issue was how to balance, on the one hand, the development of the country from income received for a resource that belonged to all Peruvians, and on the other, respect for the environment and for the rights of the native populations. He felt that, by engaging in dialogue with all stakeholders the country had taken the right approach. That approach had led to an interesting development in that, some of the mining leases were currently being renegotiated, resulting in greater revenue both to central Government and to the local communities. Additionally, in some cases the mining companies had suspended their operations until environmental impact studies had been fully examined.

28. A related question was how to ensure that the indigenous worldview was compatible with universal standards of human rights. It required finding meeting points that would make it possible for the indigenous peoples to keep their identity while coexisting with their fellow Peruvians. Thus although traditional practices were recognized and respected, they had to be framed within certain standards and rules.

29. **Ms. Zapata** (Peru), responding to the requests for data relating to women's working situation, said that, according to the National Institute of Statistics, 29 per cent of the female workforce and 35 per cent of males worked in agriculture and that 25 per cent of women and 11 per cent of men were doing work with low income and had no access to social security coverage. With regard to domestic work, 27 per cent of women were unpaid as compared to 9 per cent of men. On average, women earned 89 per cent of what men earned. Women's participation in trade unions was low, even though the major union was headed by a woman and few women were in economic decision-making positions.

30. Addressing the question of definitions, she said that although Peruvians sometimes found it hard to agree on the best terms to use — whether “gender approach” or “equality of opportunity” — they were in agreement as to the goal, which was to ensure that women could fully exercise their human rights. Whatever the wording of the individual plans and laws, that was their goal. Moreover, the National Equal Opportunity Plan for Men and Women 2006-2010 contained concrete targets and precise indicators for achieving that goal. The Plan had been drawn up with input from a wide variety of sources and was being published in the various languages used in the country, so as to make it accessible to all. The aim was to

promote awareness among all women of their economic, human, social, cultural and political rights. She would welcome any thoughts the Committee might have regarding, inter alia, the distinction between “equality” and “equity”, as it might help the Government improve its policies, plans and programmes.

31. **Ms. Pimentel**, referring to the *Llantoy Huamán v. Peru* case, which had been brought before the Human Rights Committee and which involved the very sensitive issue of therapeutic abortion, urged the Government to take all appropriate measures to ensure respect for women’s human rights and to safeguard their psychological, as well as physical, well-being.

32. **Ms. Dairiam** pointed out that 14 per cent of abortions performed on young girls in Peru resulted in death. Since the State party had ratified the Optional Protocol to the International Covenant on Civil and Political Rights, its failure to cooperate with the Human Rights Committee in *Llantoy Huamán v. Peru* struck her as extremely disrespectful. She urged the Government to seek a solution to the problem of abortion.

33. **Ms. Schöpp-Schilling**, recalling that Peruvian legislation permitted abortion only when terminating the pregnancy was the only way to save the life of the pregnant woman or to avoid serious and permanent damage to her health, asked whether such damage could also be conceived in psychological terms?

34. **Ms. Shin** reiterated her earlier question about violence against women during armed conflict. She also enquired whether the Ministry of Women and Social Development, as a member of the Peruvian Truth and Reconciliation Commission, would be advocating for the inclusion of violent acts other than rape in the list of offences committed against women during the armed conflict.

35. **Ms. Zapata** (Peru), responding to the question put by Ms. Shin, said that, while the issue was still under discussion, the Ministry was in favour of expanding the definition of violence against women to include offences other than rape.

36. **Mr. Chávez** (Peru), referring to the comment by Ms. Dairiam, said that he did not wish to give the impression that his Government was unwilling to cooperate with the Human Rights Committee. Nevertheless, there were a number of practical

difficulties involved in implementing that Committee’s decision in *Llantoy Huamán v. Peru*, particularly regarding reparation for damages.

37. Under article 119 of the Criminal Code, abortion was permitted only when it was the only way to save a pregnant woman’s life or to avoid serious or permanent damage to her health. However, that provision left room for interpretation, and should be further clarified at the legislative level.

Articles 15 and 16

38. **Ms. Saiga** recalled that, in 1999, the minimum age for marriage of both sexes had been set at 16 years. However, in its concluding comments on the fifth periodic report of Peru, the Committee had urged the State party to raise that age to 18 years, in line with the relevant provisions of the Convention on the Rights of the Child. She asked whether any measures had been taken to that end.

39. Referring to paragraph 263 of the report (CEDAW/C/PER/6), she expressed surprise that marriage between army officers of differing ranks was prohibited, and enquired as to the reasons for that prohibition. She would be grateful for additional information about the current situation within the Armed Forces.

40. **Mr. Chávez** (Peru) said that he did not have any information about the rules governing relationships within the Armed Forces. He would look into the situation and forward any relevant details to the Committee.

41. With regard to the minimum age for marriage, prevailing cultural patterns had created a de facto situation in which young people under the age of 18 were getting married, especially in rural Amazonian areas. It was very difficult to change deeply rooted traditions by legislating against them, but he hoped that, in time and with the introduction of appropriate awareness-raising policies, it would be possible to raise the minimum age for marriage to 18 years.

42. **Ms. Zapata** (Peru) pointed out that there were no restrictions on relationships between colleagues in the police force. In closing, she assured the members of the Committee that she would do her utmost to provide them with any outstanding information in a timely fashion.

The meeting rose at 5 p.m.